

ASSEMBLY BILL

No. 749

Introduced by Assembly Member Diaz

February 22, 2001

An act to amend Section 3572.3 of the Government Code, relating to higher education labor relations.

LEGISLATIVE COUNSEL'S DIGEST

AB 749, as introduced, Diaz. Higher education labor relations: University of California: temporary or per diem employees.

Existing law contains provisions relating to employer-employee relations between the State of California and the employees of state institutions of higher education, including the various campuses of the University of California and the California State University, as well as the Hastings College of the Law. These provisions provide that these employees have the right to form, join, and participate in the activities of employee organizations for the purpose of representation on all matters of labor relations.

This bill would require, for any collective bargaining agreement entered into under those provisions on or after January 1, 2002, that any temporary or per diem employee of the University of California who works at least 1,000 hours in any calendar year be reclassified as a permanent employee.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 3572.3 of the Government Code is amended to read:

3572.3. (a) This section shall apply only to the University of California.

~~(a)–~~

(b) The duty to engage in meeting and conferring requires the parties to begin meeting and conferring at least 60 days prior to the expiration of memoranda of understanding, or the May 1, if earlier, of any year in which a memorandum shall expire, or May 1, if there is no existing memorandum. The University of California and *the* Hastings College of the Law shall maintain close liaison with the Department of Finance and the Legislature relative to the meeting and conferring on provisions of the written memoranda ~~which~~ *thathave* fiscal ramifications.

~~No~~

(c) (1) *No* written memoranda reached pursuant to ~~the~~ *provisions of this chapter which that* require budgetary or curative action by the Legislature or other funding agencies shall be effective unless and until ~~such an~~ *that* action has been taken. Following execution of written memoranda of understanding, an appropriate request for financing or budgetary funding in the aggregate for all state-funded employees or for necessary legislation will be forwarded promptly to the Legislature and the Governor or other funding agencies. ~~When~~

(2) (A) *When* memoranda require legislative action pursuant to this section, if the Legislature or the Governor fail to fully fund the memoranda or to take the requisite curative action, *each of the* ~~entire~~ memoranda shall be referred back to the parties for further meeting and conferring; ~~provided, however, that~~.

(B) *Notwithstanding subparagraph (A)*, the parties may agree that provisions of the memoranda ~~which that~~ are nonbudgetary and do not require funding shall take effect whether or not the aggregate funding requests submitted to the Legislature are approved. ~~The~~

(3) *The* Legislature recognizes that the University of California's sources of funding are multiple and approval by the Legislature, and by other public agencies, as to employees funded by those agencies, may be required prior to implementation of

1 increased expenditures resulting from agreements reached in
2 accordance with ~~the provisions of~~ this chapter.

3 (d) *For any collective bargaining agreement entered into under*
4 *this chapter on or after January 1, 2002, any temporary or per*
5 *diem employee of the university who works at least 1,000 hours in*
6 *any calendar year shall be reclassified as a permanent employee*
7 *and entitled to all statutory and contractual rights afforded to a*
8 *permanent employee.*

